

August 13, 2009

Mr. Joshua Marx  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
Kansas City Regulatory Office  
402 Federal Building  
601 East 12<sup>th</sup> Street  
Kansas City, Mo. 64106-2896

Ref: BNSF Permit Application #2006-1014 –Gardner Intermodal Facility

Dear Mr. Marx,

No significant impact of this project...this is the statement the Army Corp of Engineer has released concerning the above referenced permit. This after only an EA has been done by BNSF and submitted by BNSF.

I strongly oppose the granting of this flawed permit for the following reasons:

- The lack of a full EA by an independent third party
- If no significant impact then why is there presently in place a contract for monitoring the diesel emissions so as not to exceed the maximum EPA standards.
- This permitting only covers the intermodal – no mention of the additional logistic park that is planned to be part of the complex (see 40 CFP 1508.7) which increases the size of impervious surface to SIX HUNDRED ACREAS creating more run off of grease, oil, diesel discharge and other toxics into unmitigated stream water.
- The increased amount of heavy diesel truck traffic that KDOT feels requires highway 56 to be revamped into a large Corridor along the 22-mile stretch from highway 59 to I-35. Thus affecting all the communities and numerous schools that lie along its path. KDOT spokesperson: "This is being driven by the BNSF intermodal" and "because the EA has been given we decided to proceed". Of the 22,400 –3400 vehicles per day that now use the highway only 5 – 7% is truck traffic. There is no realistic statement as to how many large diesel trucks they are now planning on to use this route. This will create a constant diesel plume over Baldwin City, Edgerton and Gardner. All three cities lie directly on highway 56. Baldwin City and Edgerton have schools that lie directly on the highway and Gardner has two schools that lie within a half mile of highway 56. This does not include the sub-divisions that all three have on or less then a quarter mile from the highway.
- The plan to put a new truck weigh/inspection station along I-35 between the two Gardner exits around Moonlight road has not been addressed. This increase to an inspection weigh station will create longer idling time on the south side of Gardner.

This is adjacent to apartments, town-homes, single-family homes and Moonlight Elementary School. This will be an added source of airborne diesel emissions.

- I live reasonable close to the site and last month had a 6.3-inch downpour of rain on already saturated ground. The retention ponds planned would not have held – and all the excess water would have FLOODED its way to Hillsdale Lake carrying all the toxins that have collected in the ponds. Hillsdale Lake would be damaged - this is a source of drinking water for five cities: Bucyrus, Olathe, Spring Hill, Gardner and Edgerton and two thirds (2/3) of Miami County. Two days later I had an additional three-inch rain - with the ponds already full from all the previous rain –another flood to Hillsdale.
- Johnson County paid over 6.9 million-tax payer dollars for Milldale Park, which lies adjacent to the intermodal project site. Besides being a large rural country-setting park with it's own source of income it is planned for parkways and trails to run from Shawnee Mission Park to Hillsdale Lake. This park would also be in the project's flood plain, as would all the trails to Hillsdale. There are a couple of endangered snakes along that wooded creek area that would probably not survive the toxic spills.
- It has been proven from other communities that the toxic floodwater can destroy agriculture croplands from future planting.
- Nothing in the EA states how much the retention ponds will hold nor what the pollutants will be.
- How will the salt be taken out – it does not absorb.
- Water temperature running into the stream will be HOT in the summer – aquatic life?
- THERE IS NO WASTE WATER TREATMENT SET IN PLACE – with the contract null and void Gardner will no longer be responsible.
- At my Gardner business truck drivers have said, “truckers will go wherever they like”. The extent of smaller arterial roads whether in the city, or countryside will be used by heavy diesel truck traffic. As KDOT said: “people travel the path they want”.
- This intermodal project is less then a mile of already existing residential development areas, high school and middle school. This exposes the people in those areas to high doses of diesel emissions. With the prevailing winds flowing over the city the entire city will be exposed.
- THERE HAS BEEN NO HEALTH ASSEMENT in the EA
- There will be continuous lighting – twenty-four, seven, three hundred sixty-five days a year with housing developments in close proximity.
- Continuous Noise 24-7, three sixty-five days a year.
- This route already ships toxic tanker cars what is in them and how long will they stay at the rail yard. BNSF lost a tank car years back and took several days to find it and when they did whatever was in it had eaten a hole in the side and was dripping onto the ground. Where is HAZMAT coming from and how long will it take them to get there.
- Who is responsible for fire on the project
- What about run-away trains from accidents in the rail yard?

- There is no mention of health impacts for elders and children who are the most susceptible to the diesel emissions.
- Will locomotives have to be load tested thus creating more diesel emissions?
- Will there be a holding tank for the toxic material from the cleaning of locomotives or and will there be servicing for the locomotives at this project.
- How many tons of particulate matter will be released from the rail yard and logistic park.
- There needs to be a third impartial party other then BNSF submitting the information.
- Will all the cranes be electric?
- There is not a detailed traffic management plan
- THERE HAS BEEN NO PUBLIC HEARING
- There are fragile wet lands involved
- How will this affect the freight traffic in Kansas – heavy diesel truck are not GREEN
- Another factor to weigh in on is the increase in accidents for the citizenry with the increase of heavy truck traffic.

The EA, submitted by BNSF, has shown how poorly and inadequate a job the Army Corps of Engineers has attended to major environmental, health, traffic, air, water and the life of the community's issues. It appears as if "rubber stamped through" at the expense of the region, communities, cities, towns and environment. This is not a simple project with few ramifications but a massive project with environmental ramifications in every direction. The CORP through the EA has ignored any and all of these ramifications to the extent of saying "No significant impact of this project". The EA has shone not to be worth the paper it is written on.

Because of the above stated reasons I request:

1. A FULL EIS – ENVIRONMENTAL IMPACT STATEMENT
2. A FULL HEALTH ASSEMENT ON ALL ISSUES
3. A PUBLIC HEARING ON ALL ISSUES

A concerned citizen

Linda Meisinger  
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cc: Joe Cothorn, Director EPA  
Roderick L. Brumby, Director KDHE